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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/632,274

08/01/2003

Jason Cahill

MSFT-2186/302766.2

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05/14/2008

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EXAMINER

DADA, BEEMNET W

ART UNIT

PAPER NUMBER

2135

MAIL DATE

DELIVERY MODE

05/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/632,274	Applicant(s) CAHILL ET AL.	
	Examiner BEEHNET W. DADA	Art Unit 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in reply to an amendment filed on February 15, 2008. claims 7 and 16 have been amended. Claims 1-18 are pending.

Response to Arguments

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peinado et al. WO 00/59150 (submitted with IDS filed on 10/14/03) (hereinafter Peinado) in view of Rich et al. US 2004/0117467 A1 (hereinafter Rich).

As per claim 1, 7, 10 and 16, Peinado teaches a method for rendering content encrypted according to a cryptographic key, the content having corresponding rights data including a decryption key (KD) for decrypting the encrypted content, (KD) in the rights data being encrypted according to a public key of a rights management (RM) server (PU-RM) to result in (PU-RM(KD)), whereby only the RM server having a private key (PR-RM) corresponding to (PU-RM) can apply same to (PU-RM(KD)) from the rights data to obtain (KD), and whereby the RM server normally delivers (KD) within a license that is bound to the content, and whereby the RM

server upon being decommissioned can no longer issue any such license, the method comprising:

attempting to render a piece of content [page 38, lines 16-23];

determining that such content is protected to an RM server [page 39, lines 2-23 and page 32, line 11 - page 33, line 29];

sending a request to the RM server for the content key (KD) for the content rather than any license [page 39, line 3 – page 41, line 3], receiving (KD) from the RM server page 39, line 3 – page 41, line 3].

Peinado is silent on receiving a notification that the RM server has been decommissioned. In the same field of endeavor, Rich teaches receiving a notification that the RM server has been decommissioned and sending a request to the decommissioned server for a license and receiving the license from the decommissioned server [paragraphs 0065, 0066, 0075 and 0087]. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Rich within the system of Peinado in order to further enhance the efficiency of the system.

As per claims 2 and 11, Peinado further teaches the method comprising sending the request including the rights data corresponding to the content, whereby the RM server retrieves (KD) from the rights data [page 39, lines 2-23 and page 32, line 11 - page 33, line 29].

As per claim 3, Peinado further teaches the method comprising receiving (KD) from the decommissioned RM server in a non-protected form [page 39, lines 2-23 and page 32, line 11 - page 33, line 29].

As per claims 4, 9, 13 and 18, Peinado further teaches the method comprising receiving (KD) from the decommissioned RM server encrypted according to a public key (PU) to result in (PU(KD)), and further comprising applying a corresponding private key (PR) to (PU(KD)) to result in (KD) form [page 39, lines 2-23 and page 32, line 11 - page 33, line 29].

As per claims 5, 6, 8, 12, 14, 15 and 17, Peinado further teaches the method further comprising applying (KD) to the content to reveal same in a naked form without any RM protection [page 39, lines 2-23 and page 32, line 11 - page 33, line 29].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BEEMNET W. DADA whose telephone number is (571)272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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May 9, 2008